IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FOURTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 20219 of 2004

Between:

M/s. Gunapati Consultants Pvt. Limited, Rep by its Prop. Deepak Reddy, D.No. 8-2-703/6/A, Road No. 12, Banjara Hills, Hyderabad-34.

..... PETITIONER

AND

1 Steel Authority of India Limited, rep (A Government of Indian Enterprise) by its Asst. General Manager, Chennai.
2 The Branch Sales Officer, Steel Authority of India Limited,
Taramandal Complex, 9th Floor, # 5-9-17, Saifabad, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue Writ Order or Direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action of the respondent company in refusing to accept the highest offer given by the petitioner with regard to plot No. 2 at Nacharam, Hyderabad and refunding the E.M.D. amount of Rs. 2,00,000/- as illegal, arbitrary, unjust and consequently direct the respondents herein to execute a registered sale deed in respect of plot No. 2, Nacharam, Hyderabad pursuant to the highest offer given by petitioner.

Counsel for the Petitioner:MR.PRAKASH CHAKRAVARTHY

Counsel for the Respondents: MR.A.RAJASHEKAR REDDY (SC FOR CG)

The Court, at the stage of admission, made the following :

ORDER:

By the impugned order, dated 20-10-2004, the petitioner was informed that though he was the highest bidder for sale of plot No.2 at Nacharam, Hyderabad, contracted through on-line process, the same was not accepted, as it was below the expected realization value of the property, and accordingly, the E.M.D., amount paid by him was refunded. Questioning the same, the present writ petition is filed by the petitioner contending that since he is the highest bidder, the respondents cannot refund the EMD amount in his favour.

Learned counsel for the petitioner contends that the respondents have collected the E.M.D., amount from several people and kept it with them for more than three months and now they are refunding the same without any valid ground. Further, the petitioner had borrowed the said amount by paying huge interest.

The petitioner knowing fully well that the respondents are at liberty to accept the offer or reject the same, participated in the auction, and thus, now he cannot contend that he being the highest bidder, his offer is entitled to be considered.

Hence, I see no merits in the writ petition and the same is accordingly dismissed. No order as to costs.

04-11-2004

GJ

To

1 The Assistant General Manager, (A Government of Indian Enterprise), Steel Authority of India Limited, Chennai.
2 The Branch Sales Officer, Steel Authority of India Limited,
Taramandal Complex, 9th Floor, # 5-9-17, Saifabad, Hyderabad.

3 Two C.D. copies.